

CHAPTER 325: CERTIFICATES OF COMPETENCY

§§325.1-325.16

The amended sections are promulgated under the Texas Water Code, §§5.103 and 5.105, which provide authorization for the Commission to adopt any rules necessary to carry out its powers and duties and to establish policies of the Commission.

§325.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Certificate of competency - The certificate issued by the Texas Water Commission to treatment plant operators and wastewater treatment facility operations companies to operate or assist in the operation of a wastewater treatment facility or collection system.

Commission - The Texas Natural Resource Conservation Commission.

Executive director - The executive director of the Texas Water Commission.

Permit - A wastewater disposal permit issued by the Texas Water Commission pursuant to the Texas Water Code, Chapter 26.

Wastewater - Waterborne human waste and waste from domestic activities, such as washing, bathing, and food preparation.

Wastewater collection system - The trunks, arterials, channels, conduits, manholes, pumps, pumping stations, piping, and other appurtenances necessary to collect wastewater from a community, water district, corporation, company, or other entity which produces domestic sewage or a majority of domestic sewage with other liquid wastes treatable in a wastewater treatment facility.

Wastewater collection system operator - Any person, in active field supervision, who provides frequent on-site inspection and supervision of collection system operation and/or maintenance activities.

Wastewater treatment facility - Any plant, disposal field, lagoon or other facility installed for the purpose of treating, neutralizing, or stabilizing wastewater, the operation of which requires a wastewater disposal permit from the Texas Water Commission.

Wastewater treatment facility operations company - Any business, company, corporation, firm, partnership, or other nongovernmental entity that employs one or more wastewater treatment plant operators for the purpose of providing operations services, on a contractual basis, to one or more than one wastewater treatment facility.

Wastewater treatment plant operator - Any person who operates a domestic wastewater treatment facility, including those who perform day-to-day maintenance work so long as the primary function of the operator involves process control, but excluding such persons as directors of public works, city engineers, city managers, and other persons whose duties do not include actual operation or direct supervision of wastewater disposal facilities.

§325.2. Certificates for Wastewater Treatment Plant Operators.

(a) Any wastewater treatment plant operator as defined in §325.1 of this title (relating to Definitions) must hold a valid certificate of competency issued pursuant to this chapter with the

following exception. A person first entering the field of wastewater treatment may be employed as an operator-in-training without certification under constant supervision of another certified operator for a maximum of one year after employment. This time period will allow the person to obtain the required designated training courses and take the appropriate examination. Any operator-in-training who is unable to acquire current certification within one year of his or her employment is prohibited from performing any operational functions at the facility unless specifically authorized to do so by the commission. Upon suspension or revocation of a certificate under §325.11 of this title (relating to Revocation or Suspension of Certificate), the operator shall no longer operate or assist in operation of any wastewater treatment plant, unless specifically authorized to do so by the commission, or unless the certificate has been reinstated.

(b) Each holder of a wastewater disposal permit for a wastewater treatment facility shall employ one or more treatment plant operators holding valid certificates of competency issued under the direction of the commission. At any small wastewater treatment facility where there is only one operator, when the permittee's certified operator leaves the employment of the permittee, the permittee will take prompt and diligent action to have employed a qualified and properly certified wastewater operator.

(c) The certificates of competency for wastewater treatment plant operators shall be Class A, Class B, Class C, and Class D. The qualification requirements for each class of certificate shall include a minimum level of formal education, a minimum level of training, a period of experience as a treatment plant operator, a grade of 70% or higher on a written examination for that certificate class, and payment of the applicable fee. If the applicant fails to pass an examination, the applicant must wait a minimum of three months before taking any examination. The executive director may require additional training after a failed examination.

(d) The qualification requirements for each class of certificate for treatment plant operators are as follows:

CERTIFICATE	EDUCATION	YEARS EXPERIENCE	YEARS HANDS-ON EXPERIENCE	HOURS TRAINING
Class A	Masters	and 4	2	plus 160
	Bachelors	and 5	2 ½	plus 160
	H.S. or GED	and 8	4	plus 160
Class B	Bachelors	and 2 1/2	1 1/4	plus 100
	H.S. or GED	and 5	2 ½	plus 100
Class C	H.S. or GED	and 2	1	plus 60
Class D	H.S. or Ged	and 0	0	plus 20
	no H.S.	and 0	0	plus 40

(e) Credit for related experience not directly connected with wastewater treatment facility operation, laboratory analyses, or maintenance will be approved at a rate of fifty percent (50%) of actual experience and only if the experience involves tasks similar to those required for operation of wastewater treatment facilities. At least one-half (½) of the total experience requirement must be in actual, "hands-on" wastewater treatment plant operation. In no case (except for Class D) shall the amount of actual experience be less than one year. In order for laboratory experience to be applicable at a rate of 100% toward operator certification, the laboratory must be on-site and owned by the permittee such that the laboratory technician consults on a daily basis with operational personnel.

(f) The only college degrees which will satisfy the college degree requirement are those with a major in chemistry, biology, microbiology, bacteriology, or similar disciplines, or in any engineering discipline eligible for registration as a professional engineer in the State of Texas.

(g) The hours of training which are required in subsection (d) of this section must be in approved courses which include, but are not limited to, the following or their equivalents:

(1) Class A - wastewater treatment, wastewater collection, wastewater laboratory, water utility management, and either water utility safety, utility calculations or advanced wastewater laboratory;

(2) Class B - wastewater treatment, wastewater collection, wastewater laboratory, and either water utility safety, utility calculations, water utility management or advanced wastewater laboratory;

(3) Class C - basic wastewater operation, wastewater treatment, and either wastewater collection, wastewater laboratory, utility calculations or water utility safety;

(4) Class D - basic wastewater operation (plus either wastewater treatment, utility calculations or water utility safety for 40 hour requirement).

(h) For treatment plant operators who qualify for Classes A-C with an education of high school or equivalent, one year of college (32 semester hours approved by the executive director) or an additional 40 hours of training credits approved by the executive director may be substituted for either one-half year or one year of the experience requirement.

(I) Subject to revocation or suspension under §325.11 of this title (relating to Revocation or Suspension of Certificate), Class A certificates shall be valid for a term of eight years; Class B certificates shall be valid for a term of five years; Class C certificates shall be valid for a term of three years; and Class D certificates shall be valid for a term of two years. Certificates of competency for operators which were issued by the Texas Department of Health prior to August 15, 1985, will remain valid for the terms stated thereon.

(j) A certified wastewater treatment plant operator may perform all duties relating to the operation and maintenance of both wastewater treatment plants and collection systems and need not hold both types of certificates.

(k) Training used to meet the requirements of this section for obtaining or renewing wastewater certificates may be granted in areas of training other than those stated in subsections (g) and (h) of this section upon executive director approval of the training material. If the specific course and subject matter are approved, the executive director will determine the number of hours of credit that will be recognized for the course. The executive director shall review and approve the qualifications for all instructors of the training courses. Two hours of training credit will be recognized for verified attendance at the monthly Texas Water Utilities Association district meetings when the meetings include a training session related to wastewater utilities. Training credit may also be satisfied by other professional activities, such as publication of articles and teaching training courses, upon approval of the executive director.

(l) Operators of domestic wastewater treatment facilities owned and located on industrial sites which are regulated by industrial-type wastewater disposal permits are required to be certified only if the point of discharge is separate from any other industrial outfalls and the domestic wastewater is not commingled with other industrial wastewater prior to discharge.

§325.3. Certificates for Collection System Operators.

(a) Any collection system operator as defined in 325.1 of this title (relating to Definitions) who does not hold a wastewater treatment plant operator's certificate must hold a valid certificate of competency as a collection system operator issued pursuant to this chapter with the following exception. A person first entering the field of wastewater collection may be employed as an operator-

in-training without certification under constant supervision of another certified operator for a maximum of one year after employment. This time period will allow the person to obtain the required designated training courses and take the appropriate examination. Any operator-in-training who is unable to acquire current certification within one year of his or her employment is prohibited from performing any operational functions in the collection system unless specifically authorized to do so by the commission. Upon suspension or revocation of a certificate under §325.11 of this title (relating to Revocation or Suspension of Certificate), the collection system operator shall no longer supervise a collection system maintenance crew if the operator determines remedial actions or makes operating decisions, unless specifically authorized to do so by the commission, or unless the certificate has been reinstated.

(b) The certificates of competency for collection system operators shall be Class I and Class II. The qualification requirements for each class of certificate shall include a minimum level of formal education, a minimum level of training, a period of experience as a collection system operator, a grade of 70% or higher on a written examination for that certificate class, and the payment of the applicable fee. If the applicant fails to pass an examination, the applicant must wait a minimum of three months before taking any examination. The executive director may require additional training after a failed examination.

(c) The qualification requirements for each class of certificate for collection system operators are as follows:

Certificate	Education	Years Experience	Hours Training
Class II	High school Graduate or equivalent**	and 2	and 60
Class I	High school Graduate or equivalent or less than High school Graduate	and 0 and 0	and 20 and 40

**Diploma of General Educational Development (G.E.D.).

(d) Experience must be actual wastewater collection system experience and not experience which is non-operational in nature. Credit for experience not directly connected with collection system operation will be approved if the experience involves tasks that are similar to that required for operation of collection systems. Each year of related experience will count as only one-half year of experience.

(e) The hours of training which are required in subsection (c) of this section must be in approved courses which include, but are not limited to, the following or their equivalents:

(1) Class II - basic wastewater operations, wastewater collection, and either water utility safety or pump and motor maintenance.

(2) Class I - wastewater collection (plus basic wastewater operation for 40 hour requirement).

(f) When applying at the Class II level, a collection system operator may substitute one year of college (32 semester hours approved by the executive director) or an additional 40 hours of wastewater training credits approved by the executive director for one year of the experience requirement.

(g) Terms of Certificates for Collection System Operators. Subject to revocation or suspension under §325.11 of this title (relating to Revocation or Suspension of Certificate), Class I certificates shall be valid for a term of two years; and Class II certificates shall be valid for a term of three years.

(h) Ordinarily, collection systems are considered as a part of the treatment works and are under the operation and supervision of certified wastewater treatment plant personnel; however, in those instances where an entity does not own the treatment facility treating its wastewater and the wastewater is routed elsewhere for treatment or the responsibility for operation and maintenance of the collection system is distinctly separated from the wastewater treatment facility, the operators in the collection system may be certified solely as collection system operators and are not required to be certified as wastewater treatment plant operators. In those cases, the collection system shall be classified as Category I if it transports daily average flows of less than 100,000 gpd, and as Category II if it transports daily average flows of 100,000 gpd or greater.

(i) Each classified wastewater collection system shall have at least one operator who holds a certification commensurate with that category of system. Each Category I system shall have at least one operator with either a Class I or Class II certificate or treatment plant operator's certificate. Each Category II system shall have at least one operator with a Class II certificate or Class C treatment plant operator's certificate.

(j) A certified collection system operator may perform only those duties relating to the operation and maintenance of collection systems. Experience exclusively in collection system operation and maintenance is not applicable towards certification as a treatment plant operator.

(k) Training used to meet the requirements for obtaining or renewing collection system operator certificates may be granted in areas of training other than those stated in subsection (e) of this section upon executive director approval of the training material. If the specific course and subject are approved, the executive director will determine the number of hours of credit that will be recognized for the course. The executive director shall review and approve the qualifications for all instructors of the training courses. Two hours of training credit will be recognized for verified attendance at the monthly Texas Water Utilities Association district meetings when the meetings include a training session related to wastewater utilities.

§325.4. (Effective beginning September 1, 1991) - Classification of Wastewater Treatment Facilities.

- (a) Wastewater treatment facilities shall be classified in accordance with the following criteria:

<u>Treatment System</u>	<u>Permitted Daily Average Flow</u>	<u>Category</u>
No Discharge Treatment Systems	All Flows	D*
Pond Systems	1.0 MGD or less	D*
Preceded by Imhoff Tanks, Primary Clarifiers, or Facultative Lagoons	Greater than 1.0 MGD	C
Activated Sludge (Extended Aeration Mode) and Oxidation Ditch Systems	0.10 MGD or less	D*
	Greater than 0.10 MGD to 1.0 MGD	C
	Greater than 1.0 MGD to 10.0 MGD	B
	Greater than 10.0 MGD	A
Activated Sludge (Modes other than Extended Aeration)	0.050 MGD or less	D*
	Greater than 0.050 MGD to 1.0 MGD	C
	Greater than 1.0 MGD to 10.0 MGD	B
	Greater than 10.0 MGD	A
Trickling Filter, Rotating Biological Contractor, or other Fixed Film Processes	0.50 MGD or less	D*
	Greater than 0.50 MGD to 2.0 MGD	
	Greater than 2.0 MGD to 10.0 MGD	B
	Greater than 10.0 MGD	A

*As shown in Category D, wastewater treatment facilities shall be reclassified as Category C facilities if any of the following conditions exist:

- (1) Any Category D facility incorporating anaerobic sludge digestion. (Imhoff tanks with sludge drawn off to drying beds are not considered anaerobic digestors as far as this requirement is concerned.)
- (2) Any Category D facility whose permit requires nutrient reduction.
- (3) Any Category D facility whose permit requires the final effluent to meet a daily average BOD₅ or TSS concentration less than 10 mg/l.

(b) A wastewater treatment facility having a combination of treatment processes which are in different categories shall be assigned the higher category.

(c) The executive director may increase the treatment facility classification that indicated in subsection (a) of this section for those facilities which in the judgment of the executive director include unusually complex processes or which present unusual operation or maintenance conditions.

(d) The chief operator or operator in responsible charge of each wastewater treatment facility shall possess a certificate at least as high as that of the category of treatment facility.

(1) Category D facilities shall be operated by a Class D operator or an operator certified at a higher level.

(2) Category C facilities shall be operated by a Class C operator or an operator certified at a higher level.

(3) Category B facilities shall be operated by a Class B operator or an operator certified at a higher level.

(4) Category A facilities shall be operated by a Class A operator.

(e) Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the chief operator must be supervised by an operator who is certified at not less than one (1) level below the category of the plant.

(f) When a permittee's chief operator or operator in responsible charge leaves the employment of the permittee, the permittee will take prompt and diligent action to either upgrade the level of certification of existing operators or employ a qualified and properly certified operator.

§325.5. Applications and Fees.

(a) Applications for certificates of competency for wastewater treatment plant and collection system operators shall be made to the executive director, who is authorized by the commission to issue the certificates of competency for the commission. Applications shall be completed in full, and the applicant shall be mailed notification of any deficiencies by the executive director. All deficiencies shall be corrected within 60 days of notification, or the examination will be considered invalid and must be repeated.

(b) No certificates of competency will be issued by the executive director until all requirements have been met.

(c) Effective September 1, 1994, applications for new, renewed, or upgraded certificates shall be accompanied by a fee in the form of a personal check, cashier's check, or money order. Cash cannot be accepted for payment of fees. All fees shall be made payable to the Texas Natural Resource Conservation Commission and are nonrefundable.

(d) Fees are twenty dollars (\$20) annually, and the fee for the entire term of the certificate must be paid prior to issuance. A two-year certificate requires a fee of \$40, a three-year certificate requires a

fee of \$60, a five-year certificate requires a fee of \$100, and an eight-year certificate requires a fee of \$160.

(e) Applications for new and upgraded certificates are valid for a period of one year from their date of receipt at the commission. After an initial failure, examinations may be repeated two times without payment of another fee. Another application and fee must be submitted after a third failure or after one year of submission of the application, whichever occurs first.

§325.6. Renewal of Operator Certificates.

(a) Unless revoked under §325.11 of this title (relating to Revocation or Suspension of Certificate), or replaced by a higher class of certificate, certificates may be renewed by payment of the applicable fee and either by taking and passing a renewal examination or by receiving a specified number of hours of approved additional training. Prior to the expiration date of the certificate, an application for renewal will be mailed to the most recent address provided by the operator showing the expiration date, the requirements for renewal, and the fee to be paid. It is the responsibility of the operator that the completed application for renewal and appropriate payment be submitted in a timely manner. When renewing by training hours, applications for renewal and appropriate fees must be received by the executive director no later than 30 days after the date of expiration of the certificate, or the certificate will be renewable only by re-examination.

(b) To renew a certificate on the basis of training hours under subsection (a) of this section, the operator must earn the following number of credit hours for the applicable class of certificate: Class A - 80 hours; Class B - 50 hours; Class C - 30 hours; Class D - 20 hours (if high school graduate or equivalent) or 40 hours (if less than a high school graduate); Class II - 30 hours; and Class I - 20 hours (if high school graduate or equivalent) or 40 hours (if less than a high school graduate). The training hours to be counted toward certificate renewals are those which were received from the date the certificate was first issued (if it is the first renewal) or from the date of the certificate's latest renewal.

(c) The Basic Wastewater course may not be used to renew Class A or B certificates.

(d) Class D certificates are not renewable at (1) any activated sludge type facilities, or (2) trickling filter or RBC facilities with a permitted daily average flow of 100,000 gallons per day or greater.

(e) If the applicant fails to pass the renewal examination with a grade of at least 70%, the applicant must wait a minimum of three months before retaking any renewal examination. To renew a certificate that has been expired for a period of one year or more, the applicant must satisfy the current requirements for training, education, experience, and fees, in addition to taking and passing a renewal examination.

(f) Holders of a certificate of competency must notify the executive director of any change in address or employment within 10 days from the date the change occurs.

(g) Fees for renewal of certificates must be paid prior to renewal of the certificate. Fees are \$20 annually and the fee for the entire term of the certificate must be paid prior to renewal. A two-year certificate requires a fee of \$40, a three-year certificate requires a fee of \$60, a five-year certificate requires a fee of \$100, and an eight-year certificate requires a fee of \$160.

(h) When the certificate of an operator expires while he or she is in full time active military service, the certificate may be renewed without examination upon:

- (1) proof of military service;
- (2) proof of the previously held certificate; and
- (3) payment of the appropriate fee.

§325.7. Certificates for Wastewater Treatment Facility Operations Companies.

Every wastewater treatment facility operations company must hold a valid certificate of competency issued under the direction of the commission. No wastewater treatment facility operations company may operate a wastewater treatment facility without a certificate of competency. Any operator employed by a wastewater treatment facility operations company must hold a valid certificate of competency issued pursuant to this chapter. Upon revocation or suspension of a certificate under §325.11 of this title (relating to Revocation or Suspension of Certificate), the wastewater treatment facility operations company shall no longer operate or assist in operation of any wastewater treatment plant, unless specifically authorized to do so by the commission, or unless the certificate has been reinstated. Prior to issuance or renewal of an operations company's certificate, a fee shall be paid as follows based on the number of facilities served:

<u>Number of Facilities Served</u>	<u>Fee*</u>
less than 5	\$ 75
5 - 9	\$150
10 - 19	\$250
20 or more	\$400

*Fees will cover the two-year period of the certificate.

§325.8. Terms of Certificates for Wastewater Treatment Facility Operations Companies.

Certificates of competency for wastewater treatment facility operations companies shall be valid for a term of two years.

§325.9. Reports, Applications, and Renewals for Wastewater Treatment Facility Operations Companies.

(a) Every wastewater treatment facility operations company must submit a report to the executive director within one year and 30 days after issuance or renewal of its certificate, listing every wastewater treatment facility operated by the company during the preceding calendar year as well as the present year. The report shall include, as a minimum, the name and location of the treatment facility, the permittee's name and address, the commission permit number for the facility, and the dates that the facility was operated by the company during the reporting year (e.g., January 1 - December 31). The report must also include, at a minimum, a roster of all certified operators employed by the operations company listing the employees' names, home addresses, classes of certificates and certificate numbers, at which treatment facilities (by commission permit number) each employee works or has worked, and which employees are head operators or supervisors and for which treatment facilities (by commission permit number). The executive director may specify additional information to be included in the report.

(b) The information required in subsection (a) of this section also must be submitted with any application for a new certificate. An application for renewal of a certificate must be accompanied by an updated report.

(c) If an operations company ceases its operations, or if it is sold or reorganized such that control of the operations of the company is transferred from one person to another, the operations company certificate shall be automatically revoked. In the latter case, the newly organized company shall apply for a new certificate. Operations company certificates are not transferable.

§325.10. Public Hearing on Applications for Renewal of Certificates for Wastewater Treatment Facility Operations Companies.

(a) Requests for public hearing may be made by any person to protest the renewal of the certificate of competency of a wastewater treatment facility operations company. Grounds for the request must be based on alleged incompetence of the company or any of its treatment plant operator-employees, or allegations that the company is responsible for causing, allowing, or permitting substantial noncompliance with a wastewater disposal permit, or allegations that the company has falsified reports regarding the operation of a facility, falsified laboratory test results or falsified any documents submitted under this chapter, or for similar good cause. All requests for hearing shall be accompanied by a detailed statement of the reason(s) for the request, and shall include a formal request that a hearing be convened.

(b) Requests for a hearing shall be made to the executive director. After the executive director has determined that the requirements of subsection (a) of this section have been met, he will investigate the reason(s) for the request and will inform the requesting party of the conclusions of that investigation. If the executive director determines that there is merit to the protest, he shall present the request to the commission which shall determine whether to schedule a hearing, and if so, whether the hearing will be before a hearings examiner or the commission.

(c) Any person who wishes to contest an executive director's determination under subsection (b) of this section that the reason(s) for requesting a hearing is without merit may file his or her request with the commission accompanied by notice to the executive director and the public interest advocate.

§325.11. Sanctions.

(a) If the executive director believes that good cause exists to bring enforcement action against an operator or wastewater treatment facility operations company, he may initiate any of the following corrective measures:

(1) Reprimand - If after a thorough investigation of the circumstances surrounding the violations, the executive director finds that the operator or wastewater treatment facility operations company was responsible for contributing to the severity of the violations but that formal suspension or revocation proceedings are not warranted, he may reprimand the operator or company in writing by certified mail. The operator or company has an opportunity to consult with the executive director and his staff and present evidence which might refute the allegations.

(2) Probation - Alternatively, the executive director may place the operator or company on probation for a period of time not longer than one year, if after investigation, he finds that the operator or company committed an offense that does not warrant suspension or revocation of the certificate but was more serious in nature than an offense deserving of a reprimand. Such probationary status shall serve as a warning to the operator or company and any further violations or offenses shall warrant suspension or revocation proceedings. Notification and rebuttal procedures shall be the same as for suspension or revocation, but the commission shall not be required to hold a formal hearing.

(3) The commission may suspend or revoke the certificate of competency if the commission finds that the holder of the certificate was responsible for causing, allowing or permitting a substantial violation of any disposal permit for a wastewater treatment facility, or for falsifying reports or laboratory test results, or for falsifying any information in documents submitted under this chapter, or for other good cause.

(b) The holder of a certificate of competency is not subject to revocation or suspension of the certificate of competency under subsection (a) of this section if:

(1) the holder of the certificate is unable to properly operate the wastewater treatment facility due to the refusal of the permittee to authorize necessary expenditures to operate the wastewater treatment facility properly; or

(2) failure of the wastewater treatment facility to comply with its disposal permit results from faulty design of the wastewater treatment facility.

(c) A certificate of competency shall be suspended for a period of one year; however, depending upon the seriousness of the offense(s), the time of suspension may be decreased or increased. Suspension means that the certificate is no longer valid and that the operator is no longer authorized to operate any treatment or collection facilities until the period of suspension is complete. No re-testing is required. A certificate is revoked automatically upon a second suspension. At the request of the certificate holder, or for good cause shown, the certificate may be suspended indefinitely by the commission.

(d) The holder of a certificate of competency which has been revoked may reapply for a certificate of competency pursuant to this chapter as if applying for the first time, after a period of at least one year from the date of revocation. If a certificate is revoked a second time, the revocation will be permanent. Re-testing is required in order to become re-certified after revocation.

(e) Operators are responsible for performing adequate process control of wastewater treatment facilities as described in commission approved operator training manuals and according to commission guidance documents. Operator performance that results in permit violations may subject the operator to administrative penalties or other sanctions as described in this section.

§325.12. Notice of Hearings.

(a) Notice for any hearing required by this chapter shall be issued not less than 20 days prior to the hearing.

(b) Transmittal of the notice will be by certified mail, return receipt requested. Such notice shall be sufficient if mailed to the last known address supplied to the commission by the operator or company.

(c) Persons to be notified include, but are not limited to, the following: the applicant or certificate holder, the public interest counsel of the commission, the complainants (if any), and the permit holders of the wastewater treatment facilities at or for which the operator or company works or is employed.

§325.13. Enforcement Hearings.

During any enforcement hearing conducted by the commission or a hearings examiner for substantial noncompliance, as defined in Chapter 337 of this title (relating to Enforcement), of a wastewater disposal permit for a wastewater treatment facility, any party may introduce evidence showing whether the violations were caused, in whole or in part, by the incompetence or negligence of any of the facility's treatment plant operators and/or by a wastewater treatment facility operations company. The commission may then determine whether to conduct a hearing pursuant to this chapter for revocation or suspension of the certificate(s) of competency involved.

§325.14. Reciprocity.

The executive director may issue certificates of competency for the commission without requiring the examination specified in §325.4 of this title (relating to Classes and Qualifications of Certificates for Operators) to applicants who hold a valid certificate of competency lawfully issued by any other authorized state, country, or territory upon payment of the applicable fee provided that the requirements for that other certificate are equal to, or more stringent than the requirements of this

chapter, and provided that the other state, country, or territory recognizes and honors the commission's certificates of competency.

§325.15. Perpetual Certificates of Competency.

Perpetual certificates of competency issued by the Texas Department of Health prior to September 1, 1985 will be exempt from the certification renewal requirements of this chapter, unless revoked pursuant to §325.11 of this title (relating to Revocation or Suspension of Certificate). Upon application by an operator and verification of records, an operator who has maintained a valid certificate of competency for 30 years shall retain the certificate in perpetuity.

§325.16. Nonrenewal of Certificate of Competency Due to Loan Default.

(a) (Effective beginning September 1, 1991) The Texas Water Commission shall not renew the certificate of a person whose name is on the list of persons in default on loans guaranteed by the Texas Guaranteed Student Loan Corporation unless:

(1) the renewal is the first renewal following the commission's receipt of the list including the licensee's name among those in default; or

(2) the licensee presents to the commission a certificate issued by the corporation certifying that:

(A) the licensee has entered a repayment agreement on the defaulted loan; or

(B) the licensee is not in default on a loan guaranteed by the corporation.

(b) Defaulting on a repayment agreement may also be grounds for nonrenewal of a certificate of competency.

(c) The Texas Water Commission shall provide an opportunity for a hearing to the licensee before the commission takes action concerning the nonrenewal of the certificate of competency.

Effective June 6, 1994